



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 10, 2022

BY ECF

The Honorable Sarah Netburn
United States Magistrate Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (S.D.N.Y.) (GBD)
(SN)

Dear Judge Netburn:

We write to inform the Court of the Executive Branch's progress in releasing documents responsive to Executive Order 14040 on the Declassification Review of Certain Documents Concerning the Terrorist Attacks of September 11, 2001 (the "Executive Order").

As is further detailed in the FBI release note dated March 2, 2022, and attached hereto, the relevant departments and agencies have worked diligently to review and release responsive documents to the public. To date, the FBI has released publicly over 700 documents and over 2700 pages in accordance with the interagency process set out in the Executive Order. *See* Declassification Review Pursuant to Executive Order 14040, March 2, 2022 (attached as Exhibit A).

By mid-March, the Government anticipates that the FBI will have publicly released an additional set of documents consisting of over 1,000 pages. While this release will cover the bulk of the yet-to-be released documents identified as responsive and will represent the "substantial completion" of the review under the Executive Order, *see id.*, it is anticipated that there may be further releases of information into mid-April, due to continuing coordination with a number of foreign governments and ongoing interagency review. In addition, because the records produced publicly pursuant to the Executive Order contain redactions required by the Privacy Act, the FBI is now endeavoring to create separate production sets of the documents released on March 2, 2022, that remove certain redactions and can be provided to counsel and experts pursuant to the FBI Protective Order. The FBI is aiming to provide those copies to plaintiffs by mid-April.

In view of the ongoing releases, the Government has been advised that Plaintiffs will be seeking an extension of the deadline for expert reports. Recognizing that the Executive Order contemplated that the interagency review would be concluded by March 2, 2022, and that there are now expected to be continued public releases for 4-6 weeks after that date, should the Court be inclined to grant an extension of the expert report deadline in the interest of justice to ensure

that all parties have adequate opportunity to consider the materials released under the Executive Order, the Government anticipates the release of any additional of information under the Executive Order will be complete by mid-April. Affording such an opportunity to all parties in this case would be consistent with the Executive Order's objective to "maximize[] transparency."

Respectfully submitted,

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